
ENGROSSED HOUSE BILL 1148

State of Washington

58th Legislature

2003 Regular Session

By Representatives Dickerson, Delvin and O'Brien

Read first time 01/20/2003. Referred to Committee on Juvenile Justice & Family Law.

1 AN ACT Relating to the interstate compact for juveniles; adding new
2 sections to chapter 13.24 RCW; repealing RCW 13.24.010; and providing
3 a contingent effective date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 13.24 RCW
6 to read as follows:

7 EXECUTION OF THE COMPACT

8 The governor is hereby authorized and directed to execute a compact
9 on behalf of this state with any other state or states legally joining
10 therein in the form substantially as follows. No provision of this
11 compact will interfere with this state's authority to determine policy
12 regarding juvenile offenders and nonoffenders within this state.

13 THE INTERSTATE COMPACT FOR JUVENILES

14 ARTICLE I - Purpose

1 The compacting states to this interstate compact recognize that
2 each state is responsible for the proper supervision or return of
3 juveniles, delinquents, and status offenders who are on probation or
4 parole and who have absconded, escaped, or run away from supervision
5 and control and in so doing have endangered their own safety and the
6 safety of others. The compacting states also recognize that each state
7 is responsible for the safe return of juveniles who have run away from
8 home and in doing so have left their state of residence. The
9 compacting states also recognize that congress, by enacting the crime
10 control act, 4 U.S.C. Sec. 112 (1965), has authorized and encouraged
11 compacts for cooperative efforts and mutual assistance in the
12 prevention of crime.

13 It is the purpose of this compact, through means of joint and
14 cooperative action among the compacting states, to: (1) Ensure that
15 the adjudicated juveniles and status offenders subject to this compact
16 are provided adequate supervision and services in the receiving state
17 as ordered by the adjudicating judge or parole authority in the sending
18 state; (2) ensure that the public safety interests of the citizens,
19 including the victims of juvenile offenders, in both the sending and
20 receiving states are adequately protected; (3) return juveniles who
21 have run away, absconded, or escaped from supervision or control or
22 have been accused of an offense to the state requesting their return;
23 (4) make contracts for the cooperative institutionalization in public
24 facilities in member states for delinquent youth needing special
25 services; (5) provide for the effective tracking and supervision of
26 juveniles; (6) equitably allocate the costs, benefits, and obligations
27 of the compacting states; (7) establish procedures to manage the
28 movement between states of juvenile offenders released to the community
29 under the jurisdiction of courts, juvenile departments, or any other
30 criminal or juvenile justice agency that has jurisdiction over juvenile
31 offenders; (8) ensure immediate notice to jurisdictions where defined
32 offenders may travel or relocate across state lines; (9) establish
33 procedures to resolve pending charges (detainers) against juvenile
34 offenders before transfer or release to the community under the terms
35 of this compact; (10) establish a system of uniform data collection on
36 information pertaining to juveniles subject to this compact that allows
37 access by authorized juvenile justice and criminal justice officials,
38 and regular reporting of compact activities to heads of state

1 executive, judicial, and legislative branches and juvenile and criminal
2 justice administrators; (11) monitor compliance with rules governing
3 interstate movement of juveniles and initiate interventions to address
4 and correct noncompliance; (12) coordinate training and education
5 regarding the regulation of interstate movement of juveniles for
6 officials involved in such activity; and (13) coordinate the
7 implementation and operation of the compact with the interstate compact
8 for the placement of children, the interstate compact for adult
9 offender supervision, and other compacts affecting juveniles
10 particularly in those cases where concurrent or overlapping supervision
11 issues arise. It is the policy of the compacting states that the
12 activities conducted by the interstate commission created in this
13 section are the formation of public policies and therefore are public
14 business. Furthermore, the compacting states shall cooperate and
15 observe their individual and collective duties and responsibilities for
16 the prompt return and acceptance of juveniles subject to the provisions
17 of this compact. The provisions of this compact shall be reasonably
18 and liberally construed to accomplish the purposes and policies of the
19 compact.

20 ARTICLE II - Definitions

21 As used in this compact, unless the context clearly requires a
22 different construction:

23 (1) "Bylaws" means those bylaws established by the interstate
24 commission for its governance, or for directing or controlling its
25 actions or conduct.

26 (2) "Commissioner" means the voting representative of each
27 compacting state appointed under Article III of this compact.

28 (3) "Compact administrator" means the individual in each compacting
29 state appointed under the terms of this compact, responsible for the
30 administration and management of the state's supervision and transfer
31 of juveniles subject to the terms of this compact, the rules adopted by
32 the interstate commission, and policies adopted by the state council
33 under this compact.

34 (4) "Compacting state" means any state that has enacted the
35 enabling legislation for this compact.

36 (5) "Court" means any court having jurisdiction over delinquent,
37 neglected, or dependent children.

1 (6) "Deputy compact administrator" means the individual, if any, in
2 each compacting state appointed to act on behalf of a compact
3 administrator under the terms of this compact responsible for the
4 administration and management of the state's supervision and transfer
5 of juveniles subject to the terms of this compact, the rules adopted by
6 the interstate commission, and policies adopted by the state council
7 under this compact.

8 (7) "Interstate commission" means the interstate commission for
9 juveniles created by Article III of this compact.

10 (8) "Juvenile" means any person defined as a juvenile in any member
11 state or by the rules of the interstate commission, including:

12 (a) An accused delinquent, meaning a person charged with an offense
13 that, if committed by an adult, would be a criminal offense;

14 (b) An adjudicated delinquent, meaning a person found to have
15 committed an offense that, if committed by an adult, would be a
16 criminal offense;

17 (c) An accused status offender, meaning a person charged with an
18 offense that would not be a criminal offense if committed by an adult;

19 (d) An adjudicated status offender, meaning a person found to have
20 committed an offense that would not be a criminal offense if committed
21 by an adult; and

22 (e) A nonoffender, meaning a person in need of supervision who has
23 not been accused or adjudicated a status offender or delinquent.

24 (9) "Noncompacting state" means any state that has not enacted the
25 enabling legislation for this compact.

26 (10) "Probation or parole" means any kind of supervision or
27 conditional release of juveniles authorized under the laws of the
28 compacting states.

29 (11) "Rule" means a written statement by the interstate commission
30 issued under Article VI of this compact that is of general
31 applicability, implements, interprets, or prescribes a policy or
32 provision of the compact or an organizational, procedural, or practice
33 requirement of the commission, and has the force and effect of
34 statutory law in a compacting state. This includes the amendment,
35 repeal, or suspension of an existing rule.

36 (12) "State" means a state of the United States, the District of
37 Columbia (or its designee), the Commonwealth of Puerto Rico, the United

1 States Virgin Islands, Guam, American Samoa, and the Northern Marianas
2 Islands.

3 ARTICLE III - Interstate Commission for Juveniles

4 (1) The compacting states hereby create the "interstate commission
5 for juveniles." The interstate commission shall be a body corporate
6 and joint agency of the compacting states. The interstate commission
7 shall have all the responsibilities, powers, and duties set forth in
8 this section, and such additional powers as may be conferred upon it by
9 subsequent action of the respective legislatures of the compacting
10 states in accordance with the terms of this compact.

11 (2) The interstate commission shall consist of commissioners
12 appointed by the appropriate appointing authority in each state under
13 the rules and requirements of each compacting state and in consultation
14 with the state council for interstate juvenile supervision. The
15 commissioner shall be the compact administrator, deputy compact
16 administrator, or designee from that state who shall serve on the
17 interstate commission in such capacity under the applicable law of the
18 compacting state.

19 (3) In addition to the commissioners who are the voting
20 representatives of each state, the interstate commission shall include
21 individuals who are not commissioners, but who are members of
22 interested organizations. Such noncommissioner members must include a
23 member of the national organizations of governors, legislators, state
24 chief justices, attorneys general, interstate compact for adult
25 offender supervision, interstate compact for the placement of children,
26 juvenile justice and juvenile corrections officials, and crime victims.
27 All noncommissioner members of the interstate commission shall be
28 nonvoting members. The interstate commission may provide in its bylaws
29 for such additional nonvoting members, including members of other
30 national organizations, in such numbers as shall be determined by the
31 commission.

32 (4) Each compacting state represented at any meeting of the
33 commission is entitled to one vote. A majority of the compacting
34 states shall constitute a quorum for the transaction of business,
35 unless a larger quorum is required by the bylaws of the interstate
36 commission.

37 (5) The interstate commission shall meet at least once each
38 calendar year. The chair may call additional meetings and, upon the

1 request of a simple majority of the compacting states, shall call
2 additional meetings. Public notice shall be given of all meetings and
3 meetings shall be open to the public.

4 (6) The interstate commission shall establish an executive
5 committee, which shall include commission officers, members, and others
6 as determined by the bylaws. The executive committee shall have the
7 power to act on behalf of the interstate commission during periods when
8 the interstate commission is not in session, with the exception of rule
9 making and/or amendment to the compact. The executive committee shall
10 oversee the day-to-day activities of the administration of the compact
11 managed by an executive director and interstate commission staff,
12 administer enforcement and compliance with the compact, its bylaws, and
13 rules, and perform such other duties as directed by the interstate
14 commission or set forth in the bylaws.

15 (7) Each member of the interstate commission may cast a vote to
16 which that compacting state is entitled and to participate in the
17 business and affairs of the interstate commission. A member shall vote
18 in person and shall not delegate a vote to another compacting state.
19 However, a commissioner, in consultation with the state council, shall
20 appoint another authorized representative, in the absence of the
21 commissioner from that state, to cast a vote on behalf of the
22 compacting state at a specified meeting. The bylaws may provide for
23 members' participation in meetings by telephone or other means of
24 telecommunication or electronic communication.

25 (8) The interstate commission's bylaws shall establish conditions
26 and procedures under which the interstate commission shall make its
27 information and official records available to the public for inspection
28 or copying. The interstate commission may exempt from disclosure any
29 information or official records to the extent they would adversely
30 affect personal privacy rights or proprietary interests.

31 (9) Public notice shall be given of all meetings and all meetings
32 shall be open to the public, except as set forth in the rules or as
33 otherwise provided in the compact. The interstate commission and any
34 of its committees may close a meeting to the public where it determines
35 by two-thirds vote that an open meeting would be likely to:

36 (a) Relate solely to the interstate commission's internal personnel
37 practices and procedures;

- 1 (b) Disclose matters specifically exempted from disclosure by
2 statute;
- 3 (c) Disclose trade secrets or commercial or financial information
4 that is privileged or confidential;
- 5 (d) Involve accusing any person of a crime, or formally censuring
6 any person;
- 7 (e) Disclose information of a personal nature where disclosure
8 would constitute a clearly unwarranted invasion of personal privacy;
- 9 (f) Disclose investigative records compiled for law enforcement
10 purposes;
- 11 (g) Disclose information contained in or related to examination,
12 operating, or condition reports prepared by, or on behalf of or for the
13 use of, the interstate commission with respect to a regulated person or
14 entity for the purpose of regulation or supervision of such person or
15 entity;
- 16 (h) Disclose information, the premature disclosure of which would
17 significantly endanger the stability of a regulated person or entity;
18 or
- 19 (i) Specifically relate to the interstate commission's issuance of
20 a subpoena, or its participation in a civil action or other legal
21 proceeding.
- 22 (10) For every closed meeting, the interstate commission's legal
23 counsel shall publicly certify that, in the legal counsel's opinion,
24 the meeting may be closed to the public, and shall reference each
25 relevant exemptive provision. The interstate commission shall keep
26 minutes that fully and clearly describe all matters discussed in any
27 meeting and shall provide a full and accurate summary of any actions
28 taken, and the reasons therefore, including a description of each of
29 the views expressed on any item and the record of any roll call vote
30 reflected in the vote of each member on the question. All documents
31 considered in connection with any action shall be identified in the
32 minutes.
- 33 (11) The interstate commission shall collect standardized data
34 concerning the interstate movement of juveniles as directed through its
35 rules that specify the data to be collected, the means of collection
36 and data exchange, and reporting requirements. Such methods of data
37 collection, exchange, and reporting shall insofar as is reasonably

1 possible conform to current technology and coordinate its information
2 functions with the appropriate repository of records.

3 ARTICLE IV - Powers and Duties of the Interstate Commission

4 The commission has the following powers and duties:

5 (1) Provide for dispute resolution among compacting states;

6 (2) Adopt rules to effect the purposes and obligations of this
7 compact which shall have the force and effect of statutory law and
8 shall be binding in the compacting states to the extent and in the
9 manner provided in this compact;

10 (3) Oversee, supervise, and coordinate the interstate movement of
11 juveniles subject to this compact and any bylaws adopted and rules
12 adopted by the interstate commission;

13 (4) Enforce compliance with the compact provisions, the rules
14 adopted by the interstate commission, and the bylaws, using all
15 necessary and proper means, including but not limited to the use of
16 judicial process;

17 (5) Establish and maintain offices that are located within one or
18 more of the compacting states;

19 (6) Purchase and maintain insurance and bonds;

20 (7) Borrow, accept, hire, or contract for personnel services;

21 (8) Establish and appoint committees and hire staff that it deems
22 necessary to carry out its functions including, but not limited to, an
23 executive committee as required by Article III of this compact that may
24 act on behalf of the interstate commission in carrying out its powers
25 and duties;

26 (9) Elect or appoint officers, attorneys, employees, agents, or
27 consultants, and to fix their compensation, define their duties and
28 determine their qualifications, and to establish the interstate
29 commission's personnel policies and programs relating to inter alia,
30 conflicts of interest, rates of compensation, and qualifications of
31 personnel;

32 (10) Accept any and all donations and grants of money, equipment,
33 supplies, materials, and services, and to receive, use, and dispose of
34 the donations and grants;

35 (11) Lease, purchase, accept contributions or donations of, or
36 otherwise to own, hold, improve, or use any property, real, personal,
37 or mixed;

1 (12) Sell, convey, mortgage, pledge, lease, exchange, abandon, or
2 otherwise dispose of any property, real, personal, or mixed;

3 (13) Establish a budget and make expenditures and levy dues as
4 provided in Article VIII of this compact;

5 (14) Sue and be sued;

6 (15) Adopt a seal and bylaws governing the management and operation
7 of the interstate commission;

8 (16) Perform such functions as may be necessary or appropriate to
9 achieve the purposes of this compact;

10 (17) Report annually to the legislatures, governors, judiciary, and
11 state councils of the compacting states concerning the activities of
12 the interstate commission during the preceding year. Reports shall
13 also include any recommendations adopted by the interstate commission;

14 (18) Coordinate education, training, and public awareness regarding
15 the interstate movement of juveniles for officials involved in such
16 activity;

17 (19) Establish uniform standards of the reporting, collecting, and
18 exchanging of data; and

19 (20) Maintain its corporate books and records in accordance with
20 the bylaws.

21 ARTICLE V - Organization and Operation of the Interstate Commission

22 Section A. Bylaws

23 The interstate commission shall, by a majority of the members
24 present and voting, within twelve months after the first interstate
25 commission meeting, adopt bylaws to govern its conduct as may be
26 necessary or appropriate to carry out the purposes of the compact,
27 including, but not limited to:

28 (1) Establishing the fiscal year of the interstate commission;

29 (2) Establishing an executive committee and such other committees
30 as may be necessary;

31 (3) Providing for the establishment of committees governing any
32 general or specific delegation of any authority or function of the
33 interstate commission;

34 (4) Providing reasonable procedures for calling and conducting
35 meetings of the interstate commission, and ensuring reasonable notice
36 of each such meeting;

1 (5) Establishing the titles and responsibilities of the officers of
2 the interstate commission;

3 (6) Providing a mechanism for concluding the operations of the
4 interstate commission and the return of any surplus funds that may
5 exist upon the termination of the compact after the payment and/or
6 reserving of all of its debts and obligations;

7 (7) Providing "start-up" rules for initial administration of the
8 compact; and

9 (8) Establishing standards and procedures for compliance and
10 technical assistance in carrying out the compact.

11 Section B. Officers and staff

12 (1) The interstate commission shall, by a majority of the members,
13 elect annually from among its members a chair and a vice-chair, each of
14 whom has the authority and duties that are specified in the bylaws.
15 The chair or, in the chair's absence or disability, the vice-chair
16 shall preside at all meetings of the interstate commission. The
17 officers so elected shall serve without compensation or remuneration
18 from the interstate commission. However, subject to the availability
19 of budgeted funds, the officers shall be reimbursed for any ordinary
20 and necessary costs and expenses incurred by them in the performance of
21 their duties and responsibilities as officers of the interstate
22 commission.

23 (2) The interstate commission shall, through its executive
24 committee, appoint or retain an executive director for such period,
25 upon such terms and conditions, and for such compensation as the
26 interstate commission deems appropriate. The executive director shall
27 serve as secretary to the interstate commission, but shall not be a
28 member and shall hire and supervise such other staff as authorized by
29 the interstate commission.

30 Section C. Qualified immunity, defense, and indemnification

31 (1) The commission's executive director and employees are immune
32 from suit and liability, either personally or in their official
33 capacity, for any claim for damage to, loss of property, personal
34 injury, or other civil liability caused or arising out of or relating
35 to any actual or alleged act, error, or omission that occurred, or that
36 such person had a reasonable basis for believing occurred within the
37 scope of commission employment, duties, or responsibilities. However,

1 any such person is not protected from suit or liability for any damage,
2 loss, injury, or liability caused by the intentional or willful and
3 wanton misconduct of any such person.

4 (2) The liability of any commissioner, or the employee or agent of
5 a commissioner, acting within the scope of such person's employment or
6 duties for acts, errors, or omissions occurring within such person's
7 state may not exceed the limits of liability set forth under the
8 constitution and laws of that state for state officials, employees, and
9 agents. Nothing in this subsection shall be construed to protect any
10 such person from suit or liability for any damage, loss, injury, or
11 liability caused by the intentional or willful and wanton misconduct of
12 any such person.

13 (3) The interstate commission shall defend the executive director
14 or the employees or representatives of the interstate commission and,
15 subject to the approval of the attorney general of the state
16 represented by any commissioner of a compacting state, shall defend
17 such commissioner or the commissioner's representatives or employees in
18 any civil action seeking to impose liability arising out of any actual
19 or alleged act, error, or omission that occurred within the scope of
20 interstate commission employment, duties, or responsibilities, or that
21 the defendant had a reasonable basis for believing occurred within the
22 scope of interstate commission employment, duties, or responsibilities,
23 if the actual or alleged act, error, or omission did not result from
24 intentional or willful and wanton misconduct on the part of such
25 person.

26 (4) The interstate commission shall indemnify and hold the
27 commissioner of a compacting state, or the commissioner's
28 representatives or employees, or the interstate commission's
29 representatives or employees, harmless in the amount of any settlement
30 or judgment obtained against such persons arising out of any actual or
31 alleged act, error, or omission that occurred within the scope of
32 interstate commission employment, duties, or responsibilities, or that
33 such persons had a reasonable basis for believing occurred within the
34 scope of interstate commission employment, duties, or responsibilities,
35 if the actual or alleged act, error, or omission did not result from
36 intentional or willful and wanton misconduct on the part of such
37 persons.

38 ARTICLE VI - Rule-making Functions of the Interstate Commission

1 (1) The interstate commission shall adopt and publish rules in
2 order to effectively and efficiently achieve the purposes of the
3 compact.

4 (2) Rule making shall occur pursuant to the criteria set forth in
5 this article and the bylaws and rules adopted pursuant thereto. Such
6 rule making shall substantially conform to the principles of the "model
7 state administrative procedures act," 1981 Act, Uniform Laws Annotated,
8 Vol. 15, p.1 (2000), or such other administrative procedures act, as
9 the interstate commission deems appropriate consistent with due process
10 requirements under the United States Constitution as now or hereafter
11 interpreted by the United States supreme court. All rules and
12 amendments become binding as of the date specified, as published with
13 the final version of the rule as approved by the commission.

14 (3) When adopting a rule, the interstate commission shall, at a
15 minimum:

16 (a) Publish the proposed rule's entire text stating the reason or
17 reasons for that proposed rule;

18 (b) Allow and invite any and all persons to submit written data,
19 facts, opinions, and arguments, which information shall be added to the
20 record, and be made publicly available;

21 (c) Provide an opportunity for an informal hearing if petitioned by
22 ten or more persons; and

23 (d) Adopt a final rule and its effective date, if appropriate,
24 based on input from state or local officials, or interested parties.

25 (4) The interstate commission shall allow, not later than sixty
26 days after a rule is adopted, any interested person to file a petition
27 in the United States district court for the District of Columbia or in
28 the federal district court where the interstate commission's principal
29 office is located for judicial review of such rule. If the court finds
30 that the interstate commission's action is not supported by substantial
31 evidence in the rule-making record, the court shall hold the rule
32 unlawful and set it aside. For purposes of this subsection, evidence
33 is substantial if it would be considered substantial evidence under the
34 model state administrative procedures act.

35 (5) If a majority of the legislatures of the compacting states
36 rejects a rule, those states may, by enactment of a statute or
37 resolution in the same manner used to adopt the compact, cause that
38 rule to have no further force and effect in any compacting state.

1 (6) The existing rules governing the operation of the interstate
2 compact on juveniles superceded by this act shall be null and void
3 twelve months after the first meeting of the interstate commission
4 created under this section.

5 (7) Upon determination by the interstate commission that a state of
6 emergency exists, it may adopt an emergency rule that becomes effective
7 immediately upon adoption. However, the usual rule-making procedures
8 shall be retroactively applied to the rule as soon as reasonably
9 possible, but no later than ninety days after the effective date of the
10 emergency rule.

ARTICLE VII - Oversight, Enforcement, and Dispute Resolution by the Interstate Commission

12 Section A. Oversight

13 (1) The interstate commission shall oversee the administration and
14 operations of the interstate movement of juveniles subject to this
15 compact in the compacting states and shall monitor such activities
16 being administered in noncompacting states that may significantly
17 affect compacting states.

18 (2) The courts and executive agencies in each compacting state
19 shall enforce this compact and shall take all actions necessary and
20 appropriate to effectuate the compact's purposes and intent. The
21 provisions of this compact and the rules adopted under this section
22 shall be received by all the judges, public officers, commissions, and
23 departments of the state government as evidence of the authorized
24 statute and administrative rules. All courts shall take judicial
25 notice of the compact and the rules. In any judicial or administrative
26 proceeding in a compacting state pertaining to the subject matter of
27 this compact which may affect the powers, responsibilities, or actions
28 of the interstate commission, it shall be entitled to receive all
29 service of process in any such proceeding, and shall have standing to
30 intervene in the proceeding for all purposes.

31 Section B. Dispute resolution

32 (1) The compacting states shall report to the interstate commission
33 on all issues and activities necessary for the administration of the
34 compact as well as issues and activities pertaining to compliance with
35 the compact and its bylaws and rules.

36 (2) The interstate commission shall attempt, upon the request of a
37 compacting state, to resolve any disputes or other issues that are

1 subject to the compact and that may arise among compacting states and
2 between compacting and noncompacting states. The commission shall
3 adopt a rule providing for both mediation and binding dispute
4 resolution for disputes among the compacting states.

5 (3) The interstate commission, in the reasonable exercise of its
6 discretion, shall enforce the provisions and rules of this compact
7 using any or all means set forth in Article XI of this compact.

8 ARTICLE VIII - Finance

9 (1) The interstate commission shall pay or provide for the payment
10 of the reasonable expenses of its establishment, organization, and
11 ongoing activities.

12 (2) The interstate commission shall levy on and collect an annual
13 assessment from each compacting state to cover the cost of the internal
14 operations and activities of the interstate commission and its staff
15 which must be in a total amount sufficient to cover the interstate
16 commission's annual budget as approved each year. The aggregate annual
17 assessment amount shall be allocated based upon a formula to be
18 determined by the interstate commission, taking into consideration the
19 population of each compacting state and the volume of interstate
20 movement of juveniles in each compacting state and shall adopt a rule
21 binding upon all compacting states that governs the assessment.

22 (3) The interstate commission shall not incur any obligations of
23 any kind before securing the funds adequate to meet the same; nor shall
24 the interstate commission pledge the credit of any of the compacting
25 states, except by and with the authority of the compacting state.

26 (4) The interstate commission shall keep accurate accounts of all
27 receipts and disbursements. The receipts and disbursements of the
28 interstate commission shall be subject to the audit and accounting
29 procedures established under its bylaws. However, all receipts and
30 disbursements of funds handled by the interstate commission shall be
31 audited yearly by a certified or licensed public accountant and the
32 report of the audit shall be included in and become part of the annual
33 report of the interstate commission.

34 ARTICLE IX - The State Council

35 Each member state shall create a state council for interstate
36 juvenile supervision. While each state may determine the membership of
37 its own state council, its membership must include at least one

1 representative from the legislative, judicial, and executive branches
2 of government, victims groups, and the compact administrator, deputy
3 compact administrator, or designee. Each compacting state retains the
4 right to determine the qualifications of the compact administrator or
5 deputy compact administrator. Each state council will advise and may
6 exercise oversight and advocacy concerning that state's participation
7 in interstate commission activities and other duties as may be
8 determined by that state, including but not limited to development of
9 policy concerning operations and procedures of the compact within that
10 state.

11 ARTICLE X - Compacting States, Effective Date, and Amendment

12 (1) Any state, the District of Columbia or its designee, the
13 Commonwealth of Puerto Rico, the United States Virgin Islands, Guam,
14 American Samoa, and the Northern Marianas Islands as defined in Article
15 II of this compact is eligible to become a compacting state.

16 (2) The compact shall become effective and binding upon legislative
17 enactment of the compact into law by no less than thirty-five of the
18 states. The initial effective date shall be the later of July 1, 2004,
19 or upon enactment into law by the thirty-fifth jurisdiction.
20 Thereafter, it shall become effective and binding as to any other
21 compacting state upon enactment of the compact into law by that state.
22 The governors of nonmember states or their designees shall be invited
23 to participate in the activities of the interstate commission on a
24 nonvoting basis before adoption of the compact by all states and
25 territories of the United States.

26 (3) The interstate commission may propose amendments to the compact
27 for enactment by the compacting states. No amendment shall become
28 effective and binding upon the interstate commission and the compacting
29 states unless and until it is enacted into law by unanimous consent of
30 the compacting states.

ARTICLE XI - Withdrawal, Default, Termination, and Judicial Enforcement

32 Section A. Withdrawal

33 (1) Once effective, the compact shall continue in force and remain
34 binding upon each and every compacting state. However, a compacting
35 state may withdraw from the compact by repealing the statute that
36 enacted the compact into law.

1 (2) The effective date of withdrawal is the effective date of the
2 repeal.

3 (3) The withdrawing state shall immediately notify the chair of the
4 interstate commission in writing upon the introduction of legislation
5 repealing this compact in the withdrawing state. The interstate
6 commission shall notify the other compacting states of the withdrawing
7 state's intent to withdraw within sixty days of its receipt thereof.

8 (4) The withdrawing state is responsible for all assessments,
9 obligations, and liabilities incurred through the effective date of
10 withdrawal, including any obligations, the performance of which extend
11 beyond the effective date of withdrawal.

12 (5) Reinstatement following withdrawal of any compacting state
13 shall occur upon the withdrawing state reenacting the compact or upon
14 such later date as determined by the interstate commission.

~~Section~~ Section B. Technical Assistance, Fines, Suspension, Termination, and Default

16 (1) If the interstate commission determines that any compacting
17 state has at any time defaulted in the performance of any of its
18 obligations or responsibilities under this compact, or the bylaws or
19 adopted rules, the interstate commission may impose any or all of the
20 following penalties:

21 (a) Remedial training and technical assistance as directed by the
22 interstate commission;

23 (b) Alternative dispute resolution;

24 (c) Fines, fees, and costs in such amounts as set by the interstate
25 commission; and

26 (d) Suspension or termination of membership in the compact, which
27 shall be imposed only after all other reasonable means of securing
28 compliance under the bylaws and rules have been exhausted and the
29 interstate commission has determined that the offending state is in
30 default. Immediate notice of suspension shall be given by the
31 interstate commission to the governor, the chief justice or the chief
32 judicial officer of the state, the majority and minority leaders of the
33 defaulting state's legislature, and the state council. The grounds for
34 default include, but are not limited to, failure of a compacting state
35 to perform such obligations or responsibilities imposed upon it by this
36 compact, the bylaws, or rules and any other grounds designated in
37 commission bylaws and rules. The interstate commission shall
38 immediately notify the defaulting state in writing of the penalty

1 imposed by the interstate commission and of the default pending a cure
2 of the default. The commission shall stipulate the conditions and the
3 time period within which the defaulting state must cure its default.
4 If the defaulting state fails to cure the default within the time
5 period specified by the commission, the defaulting state shall be
6 terminated from the compact upon an affirmative vote of a majority of
7 the compacting states and all rights, privileges, and benefits
8 conferred by this compact shall be terminated from the effective date
9 of termination.

10 (2) Within sixty days of the effective date of termination of a
11 defaulting state, the interstate commission shall notify the governor,
12 the chief justice or chief judicial officer, the majority and minority
13 leaders of the defaulting state's legislature, and the state council of
14 such termination.

15 (3) The defaulting state is responsible for all assessments,
16 obligations, and liabilities incurred through the effective date of
17 termination including any obligations, the performance of which extends
18 beyond the effective date of termination.

19 (4) The interstate commission shall not bear any costs relating to
20 the defaulting state unless otherwise mutually agreed upon in writing
21 between the interstate commission and the defaulting state.

22 (5) Reinstatement following termination of any compacting state
23 requires both a reenactment of the compact by the defaulting state and
24 the approval of the interstate commission pursuant to the rules.

25 Section C. Judicial enforcement

26 The interstate commission may, by majority vote of the members,
27 initiate legal action in the United States district court for the
28 District of Columbia or, at the discretion of the interstate
29 commission, in the federal district where the interstate commission has
30 its offices, to enforce compliance with the provisions of the compact,
31 its rules, and bylaws against any compacting state in default. In the
32 event judicial enforcement is necessary, the prevailing party shall be
33 awarded all costs of such litigation including reasonable attorneys'
34 fees.

35 Section D. Dissolution of compact

36 (1) The compact dissolves effective upon the date of the withdrawal

1 or default of the compacting state, which reduces membership in the
2 compact to one compacting state.

3 (2) Upon the dissolution of this compact, the compact becomes null
4 and void and shall be of no further force or effect, and the business
5 and affairs of the interstate commission shall be concluded and any
6 surplus funds shall be distributed in accordance with the bylaws.

7 ARTICLE XII - Severability and Construction

8 (1) The provisions of this compact are severable, and if any
9 phrase, clause, sentence, or provision is deemed unenforceable, the
10 remaining provisions of the compact are enforceable.

11 (2) The provisions of this compact shall be liberally construed to
12 effectuate its purposes.

13 ARTICLE XIII - Binding Effect of Compact and Other Laws

14 Section A. Other laws

15 (1) Nothing in this section prevents the enforcement of any other
16 law of a compacting state that is consistent with this compact.

17 (2) All compacting states' laws other than state constitutions and
18 other interstate compacts conflicting with this compact are superseded
19 to the extent of the conflict.

20 Section B. Binding effect of the compact

21 (1) All lawful actions of the interstate commission, including all
22 rules and bylaws adopted by the interstate commission, are binding upon
23 the compacting states.

24 (2) All agreements between the interstate commission and the
25 compacting states are binding in accordance with their terms.

26 (3) Upon the request of a party to a conflict over meaning or
27 interpretation of interstate commission actions, and upon a majority
28 vote of the compacting states, the interstate commission may issue
29 advisory opinions regarding such meaning or interpretation.

30 (4) In the event any provision of this compact exceeds the
31 constitutional limits imposed on the legislature of any compacting
32 state, the obligations, duties, powers, or jurisdiction sought to be
33 conferred by such provision upon the interstate commission shall be
34 ineffective and such obligations, duties, powers, or jurisdiction shall
35 remain in the compacting state and shall be exercised by the agency

1 thereof to which such obligations, duties, powers, or jurisdiction are
2 delegated by law in effect at the time this compact becomes effective.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 13.24 RCW
4 to read as follows:

5 Pursuant to said compact, the governor is hereby authorized and
6 empowered to designate a state council as required in Article IX of the
7 compact.

8 NEW SECTION. **Sec. 3.** RCW 13.24.010 (Execution of compact) and
9 1955 c 284 s 1 are each repealed.

10 NEW SECTION. **Sec. 4.** This act takes effect July 1, 2004, or when
11 the interstate compact for juveniles is adopted by thirty-five or more
12 states, whichever occurs later.

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